

REMARKS

Claims 2-57 and 59-72 were pending in the application. The Examiner withdrew Claims 2-57 and 59-67 as non-elected invention. The non-elected claims are cancelled without prejudice. Applicants, however, reserve the right to file divisional application(s) on any cancelled claims and/or scope. Thus, claims 68-72 are currently under prosecution.

The Examiner rejected Claim 68 under 35 U.S.C. §112, first paragraph, as being "extremely broad due to the vast number of possible diseases encompassed by the instant invention" (Page 7 of the Office Action). The objection was specifically to the recitement of "treating or preventing an inflammatory disorder". Applicants are now amending Claim 68 to recite "treating or preventing an inflammatory disorder associated with TACE (TNF- α) and/or MMP". There is substantial support for this in the specification. Thus, for example, pages 22-23 list several physiological conditions that can be cured by the present compounds by inhibiting TACE (TNF- α) and/or MMP activity. Thus, by limiting the inflammatory disorders to those associated with TACE (TNF- α) and/or MMP activity, Applicants believe that the Examiner's concern has been addressed. Withdrawal of the §112, first paragraph rejection is, therefore, respectfully requested.

Claims 69-72 were rejected under 35 U.S.C. §112, first paragraph, on the reason that "[w]hile MMP receptor blockers are known for treating rheumatoid arthritis, osteoarthritis, periodontal disease, cancer and osteoporosis, there is no evidence of record that there is a correlation of success for the remaining diseases claimed and covered by the instant claims" (Page 9 of the Office Action). Applicants are now canceling Claims 69-72 without prejudice, without however agreeing with the Examiner's reasoning but purely out of a desire to further the prosecution of this case into allowance. New Claim 73 has been added with the diseases that the Examiner is acknowledging as being enabled by the specification. Applicants, however, reserve the right to file divisional application(s) on the scope of the cancelled Claims 68-72.

Applicants believe that the claims, as amended, and the newly added Claim 73, are in allowable condition and such an action is earnestly solicited.

If the Examiner has any questions, the Examiner is invited to contact the undersigned.

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Respectfully submitted,



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